

APPEAL NO. 041150
FILED JUNE 30, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 23, 2004. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on _____; that the respondent (carrier) is not relieved of liability under Section 409.002 because the claimant timely notified his employer of his injury pursuant to Section 409.001; and that due to his compensable injury of _____, the claimant had disability from April 7 through July 10, 2003, and at no other time as of the date of the April 23, 2004, CCH. The claimant appeals the hearing officer's determination on the disability issue, contending that in addition to the period of disability found by the hearing officer, he also had disability as a result of his compensable injury of _____, for the period of August 26, 2003, through February 9, 2004. The carrier requests affirmance of the hearing officer's determination on the disability issue. There is no appeal of the hearing officer's determinations that the claimant sustained a compensable injury on _____, and that he timely notified his employer of his injury.

DECISION

Affirmed.

The claimant had the burden to prove that he had disability as defined by Section 401.011(16). The claimant's treating doctor released the claimant to return to full-duty work without restrictions beginning July 11, 2003, and the claimant returned to work performing his regular duties. Subsequently, the treating doctor took the claimant off work. Conflicting evidence was presented with regard to whether the claimant had disability after July 10, 2003, as a result of his compensable injury of _____. The hearing officer was not persuaded that the claimant had disability as a result of his _____, compensable injury after July 10, 2003, through the date of the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination on the disability issue is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge